

UNANIMOUS-CONSENT
AGREEMENT—S. 82

Mr. LOTT. Mr. President, I congratulate all who have been involved in this next unanimous consent. A lot of effort has gone into it. I will not name them individually, but I know several Senators have been following very closely.

I ask unanimous consent on Monday, October 14, it be in order for the majority leader to proceed to the consideration of S. 82, the FAA reauthorization bill, that the majority and minority managers of the bill be recognized to modify the committee amendments, and further that only aviation-related amendments be in order to the bill, that relevant second-degree amendments will be in order.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WYDEN. Mr. President, I do not intend to object. But I have been trying now for almost 2 years on this very important legislation to deal with a very serious problem my constituents have brought to my attention dealing with the loophole-ridden Death On The High Seas Act.

We had families at home in Oregon lose loved ones in international waters as a result of a situation where a Korean freighter ran them over. I have been repeatedly assured in the Senate Commerce Committee that we would have an opportunity on the floor of the Senate to remedy this great injustice. In fact, Chairman McCain had agreed with me previously to work to reform the Death On The High Seas Act to ensure that victims of maritime accidents would have the same rights as those provided to victims of aviation accidents under the FAA bill.

I have been extremely patient with respect to this matter. I have indicated on at least two occasions that I would not offer the amendment. I do not intend to do it now because the FAA legislation is of such extraordinary importance. But I want to make it clear to the Senate that at the next available opportunity, I am going to do everything I can to ensure that these victims of these maritime tragedies—tragedies in international waters where very often they are run over by foreign freighters and left at sea languishing for hours and hours—actually have a remedy. They do not today. It is a grave injustice.

We have discussed this at considerable length in the Senate Commerce Committee. In fact, we even made changes in the Death on the High Seas Act in the past without addressing this particular issue.

I do not intend to hold up the consideration of the FAA legislation because it is so important, but I want to make it very clear to the Senate that at the next available opportunity, we are going to debate this on the floor of the Senate. We are going to have an up-or-

down vote on it. My colleagues are now aware of that.

Mr. President, I withdraw my reservation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I address the distinguished majority leader who has been very helpful to the interests of my State given that National Airport and Dulles Airport are undergoing extensive modernization. In the present form of the bill that the leader has designated, is that issue taken care of? If not, is the opportunity open for the Senator from Virginia and others to address that issue?

Mr. LOTT. Mr. President, if the Senator will yield under his reservation, first, I thank Senator WYDEN for his comments and for the record he has made and for not objecting. I know this is an important issue to him. He could object and bring additional pressure on the chairman and the committee. He is on the committee. I know he will continue to work on it. I know he and Senator McCain will be talking about it on Monday. I thank him for not objecting.

With regard to the question of the Senator from Virginia, I believe the issue that is so important to him is addressed in the bill the way he understands it to be. But if it is not or if there is any problem, under this unanimous consent request, relevant amendments on aviation would be in order and any amendment that he or the other Senator from Virginia wishes to offer with regard to this matter would be in order and would be protected.

Mr. WARNER. Mr. President, I thank my distinguished leader. Likewise, the issue of the number of slots has been a moving target. May I inquire as to the current specification in the bill and whether or not that could be changed by the proponents of the bill under this UC between now and the date it is brought up?

Mr. LOTT. Mr. President, in answer to the Senator's question, I have in my mind the number of slots that are available based on the discussions he and I have had over about 2 years. I am assuming that is what is in the bill. I have to check and make sure of the exact number, but whatever it is, if the Senator is not satisfied with that, an amendment and a debate to change that number would certainly be in order.

Mr. WARNER. Mr. President, I thank our leader for the assistance he has given throughout the years to the Commonwealth of Virginia and other interested parties with regard to these two airports.

Mr. LOTT. Mr. President, I thank the Senator from Virginia.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, reserving the right to object and I shall not—I do not think I will—as I understand this unanimous consent agreement, this will be the FAA bill with relevant amendments. Does the majority leader intend to bring up the nuclear waste bill?

Mr. LOTT. I would like to bring up the nuclear waste bill. I think this is a major environmental issue. It is very important to a number of States, I believe, including the Senator's State of Minnesota.

There has been an indication there may be a desire for a filibuster and perhaps the Democrat leadership would not support cloture on this very important issue. If that is the case, then I would not be inclined to file cloture on it on Friday, giving us additional time to see if we can work out an agreement or accommodation as to how to bring up that very important issue.

I do not know how many States have nuclear waste sitting in open cooling pools or how many people have looked at the need to address this problem. I believe a large number of Senators probably as many as two-thirds or more, believe we need to move this legislation. I want to find a way to do that.

Mr. WELLSTONE. If I can do a quick followup, the reason I asked the majority leader was actually less because of the subject matter of that bill but the question whether or not he also plans on restricting it to relevant amendments. What I am asking is, when will I have an opportunity as a Senator from Minnesota to bring legislation to the floor of the Senate which will alleviate the economic pain and suffering of family farmers? That is what I want to know. Are we going to have an opportunity for debate on agriculture policy?

Mr. LOTT. We certainly know the Senator from Minnesota has views on that or amendments he wants to offer. One of the things we are planning on doing, I say to the Senator—and Senator DASCHLE may want to talk about it—is to bring up the sanctions bill. I do not know whether or not the Senator's amendments will be in order to that. It does relate to food and agriculture. He may have something to say or some amendment he wants to offer on that.

We have not agreed on a time. You may wind up objecting to it, but I think it is high time we have some debate around here and some thought about how we deal with these unilateral sanctions of countries, how we use food and medicine in that area. We had a vote on it in Agriculture. It is still very controversial. I have indicated it is my intent and it is my hope, if we can find a way, to bring that bill to the floor.

Mr. WELLSTONE. With an opportunity for other amendments dealing with agriculture.

Mr. LOTT. I believe they probably could be offered to that bill. I do not particularly relish the idea, but I think they probably could be.

Mr. WELLSTONE. I thank the majority leader.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, will the majority leader yield? He made reference to a couple of matters which ought to be addressed briefly.

First, with regard to nuclear waste, I know of nobody on this side of the aisle who wishes to filibuster the bill, and I will be happy to clarify that with the majority leader. I think there is an interest, however, in amending the bill. We would love to have the bill come to the Senate floor under normal Senate order, regular order, and if the bill were brought up under regular order, we would be in support of moving the bill and voting in favor of the motion to proceed. I will be happy to work with the majority leader to schedule that, if we could accommodate Senators who wish to offer amendments.

With regard to the FAA debate, this was one of the more difficult agreements. I appreciate the ability of many of our colleagues to allow us the opportunity to have this debate on Monday. But I must say that, once again, this is a unanimous consent request to limit debate and limit amendments. We are agreeing to this only because we believe the FAA bill is a matter of great national security and of import not only for safety and health of aviation but because we believe we have already taken too long to reauthorize this legislation.

So because of the expiration of the authorizing legislation, because of the safety and health matters, we share the view that this legislation ought to come up and be debated and that we ought to limit ourselves to relevant amendments.

But again I say that we have not had a bill before the Senate under regular Senate order since last May. We have gone through June, July, August, and now September—4 months—and we are simply saying: Let's bring bills to the floor under regular order. Let's have a good debate, and let's have amendments offered. I am hopeful that we can work through the rest of the agenda with that in mind.

So we are not going to object to this bill being brought up, again, under abnormal Senate order and rule. But I think there is a growing concern that too many bills are coming to the floor without the opportunity for a full debate.

So whether it is nuclear waste or whether it is an array of other bills that could come to the floor, we are ready to debate them. We are ready to have a good amount of time dedicated to whatever piece of legislation ought to be considered. But we want the right to offer amendments. We will forego that right under FAA, but there are not many bills that fit into that category, if any, for the rest of the year.

I thank the majority leader for yielding.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Reserving the right to object, and I will not object, I want to take this moment to thank both the majority leader and the minority leader, the Senator from Arizona, and the Senator from South Carolina, for their patience because we did have a problem that affected my area that has been worked out.

I ask the majority leader one little question. I want to confirm that the language we have talked about seems to meet the agreement of all sides. I want to get the attention of the majority leader. I was thanking him and the minority leader and others, and I just want to clarify the language we have talked about seems to meet the agreement of all the major players in solving that problem.

Mr. LOTT. I have not had an opportunity to talk personally, directly, to the Senator from Arizona, but I am informed by his senior aide that he is committed to living with the language that the Senator from New York is familiar with, and that also the Senator from South Carolina, the ranking Democrat, has indicated he will comply with that. And based on the assurance I received, then I would work to make sure that understanding was lived up to. Whether you agree with the final result or not, I will make sure that what your understanding is on the part I have been involved in would be honored.

Mr. SCHUMER. I thank the Senator and thank again the Members of the body for their indulgence on this issue.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Earlier, the majority leader made inquiry about the position on the nuclear waste bill. I want to put the majority leader on notice the Senators from Nevada are not prepared to surrender any of the procedural rights on this issue. This, as you know, is an issue—

Mr. LOTT. Will the Senator yield?

Mr. BRYAN. I am happy to.

Mr. LOTT. You mean you are not ready to go to final passage on this bill at this point?

Mr. BRYAN. The Senator from Mississippi, with his characteristic insight, has hit the nail right on the head.

Mr. LOTT. Let me assure the Chair and my colleagues that we know the very passionate feelings of the Senator from Nevada. We know he is going to make them heard, and in every way he can. And he will be entitled to all the rules of the Senate in that effort. We understand that and appreciate it.

Mr. BRYAN. I thank the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

Mr. SPECTER. Mr. President, will the Senator from Nevada, Mr. REID, give me his attention? We have a sense-of-the-Senate resolution to be offered by Senator INHOFE; and then we have 10 minutes for an amendment to be offered and then withdrawn. We need consent to set aside your amendment. Or perhaps you are ready to withdraw that amendment?

AMENDMENT NO. 1807, WITHDRAWN

Mr. REID. I say to the manager of the bill, I have not received assurance yet that I will have a hearing. To expedite matters, I will agree to withdraw my amendment. But I want everyone to understand there is an amendment pending, a sense-of-the-Senate resolution, on the same issue. Rule XVI does not apply, of course, against my sense of the Senate. But in order to expedite matters, I withdraw my amendment. I will bring up, whenever we get back to this bill, my sense-of-the-Senate resolution on the exact same material.

Mr. SPECTER. I thank the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. SPECTER. Then in our sequence, we have an amendment by the Senator from Oklahoma.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1816

(Purpose: To express the sense of the Senate regarding payments under the prospective payment system for hospital outpatient department services under the medicare program)

Mr. INHOFE. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1816.

Mr. INHOFE. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____ SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the medicare program under title XVIII of the Social Security Act